



AF
Zhu

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln No.: 09/681,441

Confirmation No. 4762

Filed: April 5, 2001

Applicant(s): Peter Fall et al.

Title: Pedal Arrangement in a Vehicle
Cab

Art Unit: 3682

Examiner: Vinh Luong

Attorney Docket No.: VCC0031-US (79346)

Customer No.: 22242

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O Box 1450, Alexandria, VA 22313-1450, on this date.

01/27/2005

Date Steven G. Parmelee
Registration No. 28,790
Attorney for Applicant(s)

Mail Stop APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant(s) hereby submit(s) to the Board of Patent Appeals and Interferences the following:

- A Notice of Appeal From The Primary Examiner To The Board Of Patent Appeals And Interferences is enclosed which includes the fee under 37 CFR § 1.17(b) for filing the Notice of Appeal.
- An Appeal Brief (in triplicate) is enclosed.
- Also enclosed:
 - A Response to Notification of Non-Compliance.
- The fee for filing the Appeal Brief is \$340.00 (37 CFR § 1.17(c)) and was submitted with the original Appeal Brief filed October 6, 2004.
- Applicant(s) assert entitlement to Small Entity Status (37 CFR § 1.27), reducing the Appeal Fee by half to \$ 170.00.
- Charge \$ _____ to Deposit Account No. 06-1135.
- A check in the amount of the fee is enclosed.

Application No. 09/681,441

Appeal Brief Transmittal dated January 27, 2005

Reply to Notice of Non-Compliance mailed December 29, 2004

- Not required (fee paid in prior appeal in this application).
- A petition for extension of time under 37 CFR § 1.136(a) is enclosed.
- The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this appeal (specifically including the fee for filing a brief in support of this appeal if such brief is filed unaccompanied by full payment therefor, and the fee for filing a request for an oral hearing if such request is made unaccompanied by full payment therefor), or credit any overpayment to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. This Notice is filed in duplicate.

January 27, 2005

Date


Steven G. Parmelee
Registration No. 28,790

FITCH, EVEN, TABIN & FLANNERY
120 South LaSalle Street, Suite 1600
Chicago, Illinois 60603-3406
Telephone: (312) 577-7000
Facsimile: (312) 577-7007



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln No.: 09/681,441
Applicants: Peter Fall et al.
Filed: April 5, 2001
For: Pedal Arrangement in a
Vehicle Cab
TC/A.U.: 3682
Examiner: Vinh Luong

Docket No.: VCC0031-US (79346)
Customer No.: 22242

) Confirmation No. 4762

) _____

) _____

CERTIFICATE OF MAILING

) I hereby certify that this paper (along with any
paper referred to as being attached or enclosed) is
being deposited with the United States Postal
Service with sufficient postage as first class mail in
an envelope addressed to the Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-
1450, on this date.

) 1/27/05

) Date _____

Steven G. Parmelee
Registration No. 28,790
Attorney for Applicant(s)

RESPONSE TO NOTIFICATION OF NON-COMPLIANCE

Mail Stop APPEAL BRIEF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Notification of Non-Compliance mailed December 29, 2004, the applicant respectfully re-submits the Appeal Brief filed in connection with the above-captioned application.

Remarks begin on page 2 of this paper.

Application No. 09/681,441
Response to Non-Compliance dated January 27, 2005
Decision of Primary Examiner dated July 7, 2004

REMARKS

In the above-noted communication, the Examiner identified a previously submitted Appeal Brief as being defective for failing to comply with certain provisions regarding form and structure. In particular, it was noted that proper headings were not included, that line numbers were not included in the concise explanation of the claimed invention, and that a claim appendix was not included.

Submitted herewith, in triplicate, is a new Appeal Brief that complies with the above requirements. In particular, the appropriate headings are set forth and the Summary of Claimed Subject Matter section now includes specific page/line references. The Claims Appendix appears as section 8 on page 13.

The applicant respectfully submits that the newly submitted brief is compliant with the applicable rules and is in sufficient condition to support consideration.

Respectfully submitted,

By: 

Steven G. Parmelee
Registration No. 28,790

Date: January 27, 2005

FITCH, EVEN, TABIN & FLANNERY
Suite 1600
120 South LaSalle
Chicago, Illinois 60603-3406
Telephone: (312) 577-7000
Facsimile: (312) 577-7007